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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,877	10/18/2001	Anthony E. Martinez	AUS920010923US1	7079

7590 08/26/2004  
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EXAMINER

BONSHOCK, DENNIS G

ART UNIT PAPER NUMBER

2173

DATE MAILED: 08/26/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No. 09/981,877	Applicant(s) MARTINEZ ET AL.
Examiner Dennis G. Bonshock	Art Unit 2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 07 June 2004.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-16 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

***Final Rejection***

***Response to Amendment***

It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment A as received on 6-7-2004.

Claims 1-16 have been examined.

Status of Claims:

Claims 1-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Microsoft, "Microsoft Word," hereinafter MSword.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Microsoft, "Microsoft Word," hereinafter MSword.

3. With regard to claim 1, which teaches a method of previewing a graphical image corresponding to an icon in a clipboard (see MS figure 2), comprising: receiving a icon preview instruction from a user, MSword teaches, in MS figure 2, the user accessing a preview of a clipboard item through a mouse over event. With regard to claim 1, further teaching displaying the graphical image associated with the icon in response to the icon preview instruction, MSword teaches, in MS figure 2, the system displaying a preview of a clipboard item in response to a mouse over event.

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4. With regard to claims 2 and 10, which teach receiving an icon preview instruction comprises determining whether a display position indicator is positioned over the icon displayed in the clipboard for a predetermined time period, MSword teaches, in MS figures 2 and 3, the preview being delayed by some predetermined time.

5. With regard to claims 3 and 11, which teach displaying the graphical image comprises displaying a reduced image of the graphical image, MSword teaches, in MS figures 2 and 9, upon positioning an indicator over an element in the clipboard, displaying a subset of the text copied to the clipboard.

6. With regard to claim 4, which teaches a method of displaying a clipboard comprising: receiving a paste command, MSword teaches, in figure 2 and 4, receiving a paste command through an icon on the clipboard, through the Edit menu, or through typing CONTROL+V on the keypad. With regard to claim 4, which further teaches determining whether a plurality of objects are stored within the clipboard in response to the paste command, MSword teaches, in figures 2, 4, and 10, that in order for an item to be pasted it must be copied/cut from a document first, and upon a selection of more than one item to be copied/cut the clipboard is automatically displayed on the screen. With regard to claim 4, further teaching displaying a clipboard adjacent a display position indicator, if it is determined a plurality of objects are within the clipboard, MSword teaches, in figures 1 and 2 that upon selection of more than one item to be stored on a clipboard the clipboard is displayed to provide the user with a selectable array of pasteable items.

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7. With regard to claims 5 and 13, which teach displaying a clipboard adjacent the display position indicator comprises positioning an icon associated with a last pasted object adjacent the display position indicator, MSword teaches, in figures 1 and 2, displaying the clipboard adjacent to the pointer where the last pasted object is located at the end of the list.

8. With regard to claims 6 and 14, which teach hiding the clipboard in response to selecting an icon corresponding to an image on a clipboard, MSword teaches, in figures 6 and 7, hiding the clipboard items, upon selection of an item, from a docked clipboard, to be pasted.

9. With regard to claims 7 and 15, which teach hiding the clipboard in response to moving the position indicator so that the position indicator is not adjacent to the clipboard, MSword teaches, in figures 6 and 7, hiding the clipboard upon position the indicator off of the clipboard and onto the document.

10. With regard to claims 8 and 16, which teach hiding the clipboard in response to selecting a close icon on the clipboard, MSword teaches, in figure 2, an "X" icon in the clipboard window, that upon selection closes the clipboard window.

11. With regard to claim 9, which teaches a computer usable medium including a program for previewing a graphical image corresponding to an icon in a clipboard (see MS figure 2), comprising: computer readable code for receiving a icon preview instruction from a user, MSword teaches, in MS figure 2, the user accessing a preview of a clipboard item through a mouse over event. With regard to claim 9, further teaching computer readable code for displaying the graphical image associated with the icon in

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response to the icon preview instruction, MSword teaches, in MS figure 2, the system displaying a preview of a clipboard item in response to a mouse over event.

12. With regard to claim 12, which teaches a computer usable medium including a program for displaying a clipboard (see MS figure 2), comprising: computer readable code for receiving a paste command, MSword teaches, in figure 2 and 4, receiving a paste command through an icon on the clipboard, through the Edit menu, or through typing CONTROL+V on the keypad. With regard to claim 12, which further teaches computer readable code for determining whether a plurality of objects are stored within the clipboard in response to the paste command, MSword teaches, in figures 2, 4, and 10, that in order for an item to be pasted it must be copied/cut from a document first, and upon a selection of more than one item to be copied/cut the clipboard is automatically displayed on the screen. With regard to claim 12, further teaching computer readable code for displaying a clipboard adjacent a display position indicator, if it is determined a plurality of objects are within the clipboard, MSword teaches, in figures 1 and 2 that upon selection of more than one item to be stored on a clipboard the clipboard is displayed to provide the user with a selectable array of pasteable items.

### ***Response to Arguments***

13. The arguments filed on 6-7-2004 have been fully considered but they are not persuasive. Reasons set forth below.

14. The applicants' argue that MSWord is not prior art, and is nothing more than screen shots taken from the examiners computer.

15. In response, the examiner respectfully submits that the applicant is correct that these are indeed screen shots from the examiners computer. The documents are, however, valid prior art as being a depiction of a software application, available before the application date of the claimed invention. Cases in which screen shots were used to illustrate operational characteristics of software applications have been known be deemed acceptable by the courts. MS Figure 8 further provides the copyright information for Microsoft Word 2000.

16. The applicants' argue that at most the "reference" disclose that a text sample of the clipboard icon is disclosed upon a mouse action, and not the display of a graphical image.

17. In response, the examiner respectfully submits that the images in MS figure 2 and in MS figure 6, represent an item in the clipboard. Text stored here are represented as a "W" located on a page, in contrast pictures are represented as a icon depicting a circle, triangle, and a rectangle, where both text and picture are representative of the copied items, and both displayed as an image upon a display.

18. The applicants' argue that MS figure 9 teaches away from displaying a graphical image by stating that if the item is an object or picture Microsoft Word displays a label "Picture 2" which indicates the order in which the items were copied.

19. In response, the examiner respectfully submits that MSWord does provide, in MS figures 2-8, a "graphical image" associated with an image on the clipboard. All the items on the clipboard have a distinguishing element that sets them apart from the other

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items on the clipboard, whether it is the display of text on scroll over, or a picture with an associated number relative to the represented picture.

***Conclusion***

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (703) 305-4668. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.


23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8-6-04  
dgb



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
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